

Rejection under 35 USC 103(a)

The Examiner rejects claims 1-3, 5-7 and 10-15 as obvious over Tasaka et al. USP 6,433,062 in view of Aida et al. USP 5,221,781. Applicants traverse the rejection and respectfully request the withdrawal thereof.

Applicants submit that Tasaka '062 and Aida '781 fail to disclose or suggest all the elements of the present invention.

① Tasaka '062 fails to disclose or suggest treating a metal hydrate, particularly the surface of a metal hydrate with a silane compound, such as a silane coupling agent. ② Moreover, Tasaka '062 fails to disclose that the organic peroxide is used for crosslinking. ?

③ Likewise, Aida '781 fails to disclose or suggest using a silane coupling agent to treat the surface of a metal hydrate. As such, the combination of references fails to disclose each and every limitation of the present invention. Also, the combination of references fails to motivate one of ordinary skill in the art to arrive at the present invention.

In the Reply filed October 21, 2002, Applicants submit a Declaration under 37 CFR 1.132 from Mr. Kobayashi demonstrating the unexpected superior results of a single site catalyst over the multi-site catalyst disclosed in the cited art.

Applicants maintain that the present invention has unexpected superior properties over the cited art by the components. The ethylene/ α -olefin copolymer of the present invention is synthesized

by using together an organic peroxide and a silane-treated metal hydrate in specifically claimed amounts. Applicants submit a new Declaration under 37 CFR 1.132 by Mr. Kobayashi to demonstrate the unexpected superior results of the present invention.

In the Declaration Mr. Kobayashi compared resin compositions, Examples 101, 102 and 103 to the present invention represented by Example 10. The comparative examples differed from the present invention as follows: In Example 101, the ratios of the magnesium hydroxides are different from the present invention. Example 101 has 200 parts by weight of $Mg(OH)_2$ treated with vinyl silane and 300 parts by weight of $Mg(OH)_2$ treated with aliphatic acid. Example 102 does not contain the crosslinking agent and organic peroxide as in the present invention. Example 103 is synthesized with a multi-site catalyst, as compared to the present invention, which is produced from a single site catalyst. 1 mm inch thick sheets were formed from each comparative example. Insulated wires were also coated with each of the comparative examples.

Comparative tests include testing tensile strength and percent elongation for the sheets and tensile properties, abrasion resistance, horizontal flame test, sixty degree angle flame test, heat deformation rate test, whitening test, extrudability test and flexibility test were conducted. The results are reported in Table A in the Mr. Kobayashi's Declaration.

It is clear from the test data that the comparative example that does not contain the crosslinking agent and the organic peroxide do not have the same excellent tensile strength and whitening when in a sheet or on an insulated wire as in the present invention. The inclusion of the claimed amounts of these components in the present invention yields the excellent properties of the resin of the present invention.

Applicants also submit that a resin composition similar to the present invention, but contains a lower amount of silane treated metal hydrate than in the claimed invention, is not able to obtain the excellent properties, i.e. tensile strength, whitening, etc. of the present invention.

In light of the comparative data in Mr. Kobayashi's Declaration and arguments above, Applicants submit that the comparative examples, most similar to the combination of teachings in Tasaka '062 and Aida '781, are far inferior to the present invention for tensile strength and whitening due to one of the following: (i) the lack of both a crosslinking agent and organic peroxide, (ii) use of a multi-site catalyst, and (iii) a metal hydrate treated with a silane compound. In as much as the resin of the combination of Tasaka '062 and Aida '781 lacks one of the above, Applicants submit that the present invention is not obvious over the cited art as the present invention has unexpected superior properties over the resin of the cited art.

Conclusion

As Applicants have addressed and overcome all rejections in the Office Action, Applicants respectfully request that the rejections be withdrawn and that the claims be allowed.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$110.00 is attached hereto.

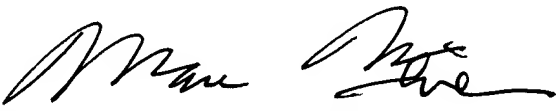
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Kecia Reynolds (Reg. No. 47,021) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Marc S. Weiner, #32,181

MSW/KJR: bmp
0234-0370P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment: Declaration under 37 CFR 1.132 of Mr. Kobayashi